Michigan Department of AGRICULTURE & Rural Development

RESTRICTED USE PESTICED DEALER

LICENSING MANUAL

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SECTION ONE
THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT AND REGULATION NO. 633 IN SUMMARY

Law

The Natural Resources and Environmental Protection, Act 451, PA of 1994, Part 83, Pesticide Control, Section 8305(4) states: “Pesticide means a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating pests or intended for use as a plant regulator, defoliant, or desiccant.” Before a pesticide may be distributed or offered for sale, it must be registered with the Michigan Department of Agriculture & Rural Development and with the United States Environmental Protection Agency (EPA). Furthermore, Section 8306(4) states: “Restricted use pesticide means a pesticide classified for restricted use by the EPA or the director.” Lastly, Section 8306(5) states: “Restricted use pesticide dealer means a person engaged in distributing, selling, or offering for sale restricted use pesticides to the ultimate user.”

Section 8310 of Act 451 states:

> “(1) A person shall not engage in distributing, selling, or offering for sale restricted use pesticides to the ultimate user except as authorized under an annual license for each place of business issued by the department pursuant to part 13.
> (2) The applicant for a license under subsection (1) shall be the person in charge of each business location. The applicant shall demonstrate by written examination his or her knowledge of laws and rules governing the use and sale of restricted use pesticides.
> (3) A restricted use pesticide dealer shall forward to the director a record of all sales of restricted use pesticides on forms provided by the director as required by rule. Restricted use pesticide dealers shall keep copies of the records on file for 2 years. These records are subject to inspection by an authorized agent of the director. The records shall, upon request, be supplied in summary form to other state agencies. The summary shall include the name and address of the restricted use pesticide dealer, the name and address of the purchaser, the name of the pesticide sold, and, in an emergency, the quantity sold. Information may not be made available to the public if, in the discretion of the director, release of that information could have a significant adverse effect on the competitive position of the dealer, distributor, or manufacturer.
> (4) A restricted use pesticide dealer shall sell or distribute restricted use pesticides for use only by applicators certified under this part.
> (5) The director may deny, suspend, or revoke a restricted use pesticide dealer's license for any violation of this part committed by the dealer or the dealer's officer, agent, or employee.
> (6) A restricted use pesticide dealer shall maintain and submit to the department records of all restricted use pesticide sales to private applicators and the intended county of application for those pesticides.
> (7) Information collected in subsection (6) is confidential business information and is not subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.”

The dealer license expires December 31 and must be renewed by January 1 of each year by paying a fee of $100.00.

Section 8330 of Act 451 states:

> “(1) Pesticides distributed, transported, sold, or exposed or offered for sale in this state shall be in the registrant's or manufacturer's unbroken immediate container and shall have attached to it a label conforming to the labeling requirements as prescribed under this part or the rules promulgated under this part. The unbroken container requirement of this subsection does not apply to an applicator who is transporting a pesticide between the place of storage and the area of application.

(2) A pesticide container shall be free from damage that renders the pesticide unsafe.
(3) A pesticide that is required to be colored shall not be distributed, sold, exposed, or offered for sale unless the pesticide is colored as prescribed.
(4) A pesticide shall be handled, stored, displayed, or transported so that it will not endanger human beings and the environment or endanger food, feed, or other products that are stored, displayed, or transported with the pesticide.
(5) A person shall not detach, alter, deface, or destroy any portion of a label or labeling provided for in this part or rules promulgated under this part, or add a substance to or take a substance from a pesticide in a manner that may defeat the purpose of this part or FIFRA.
(6) A pesticide vendor shall keep on file, subject to inspection by an authorized agent of the director for a period of 1 year, all invoices, freight bills, truckers' receipts, waybills, and similar shipping data pertaining to pesticides that would establish date and origin of the shipments."

Regulation No. 633, Restricted Use Pesticides, states:

Rule 3. (1) A person shall not sell, offer for sale, or otherwise distribute to the ultimate user a restricted use pesticide, unless a restricted use pesticide dealer's license is secured as provided in the act and these rules. A restricted use pesticide dealer shall sell those restricted pesticides as enumerated in R 285.633.2 only to users who exhibit full compliance with R 285.636.1 et seq. of the Michigan Administrative Code.
(2) A person in charge of each sales location or outlet shall apply, on a form prescribed by the director, for a license to sell restricted use pesticides for each location or outlet.

Rule 4. (1) A person applying for a license to sell restricted use pesticides shall pass a written examination to determine his knowledge of the laws and rules governing the use and sale of pesticides and his responsibility in carrying on the business of a restricted use pesticides dealer. The examinations may be conducted at a time and place designated by the director. A score of 70 or above is required for passing. A score of less than 70 shall result in denial of a license.
(2) An applicant failing the examination may be granted a reexamination after an interview with a person or persons delegated by the director regarding his license application and a review of the examination.

Rule 5. (1) A license expires on December 31 of each year and shall be renewed on or before January 1 of each year.
(2) A license may be renewed, on a form prescribed by the director, without an examination if the applicant meets all the qualifications set forth in the act and these rules, unless an examination is required on amendments to the act or these rules which set forth different or additional qualifications. The director may at his discretion require the reexamination of an applicant who fails to renew his license by January 1.
(3) An examination is required if the business is operated by a person who has not previously been examined."

If your firm's Restricted Use Pesticide (RUP) Dealer's License is not renewed by January 1 of the next year, enforcement action will include a stop prohibited conduct (SPC) order, which bars a RUP dealer to sell any RUP product until the RUP license is renewed. Violation of the SPC order will lead to further enforcement action by MDARD.

The RUP Dealer's License is subject to denial, suspension, or revocation for any violation of Act 451 whether committed by the dealer or by the dealer's employee. A restricted use pesticide dealer who violates Act 451 or a rule promulgated by the act is guilty of a misdemeanor and can be fined up to $5,000 for each offense. If a dealer knowingly violates the act with malicious intent, the dealer can be fined up to $25,000 for each offense. Furthermore, MDARD may levy an administrative fine of up to $1,000 for each offense of the act by a restricted use pesticide dealer.

II. **Unlawful Acts**

Civil and criminal penalties may be levied against a dealer found guilty of committing an unlawful act. The following actions are defined as illegal:

- Receiving, selling, distributing, or delivering any pesticide or device that is adulterated, misbranded or

unregistered.

- Detaching, altering, defacing, or destroying any labeling required under the Act.
- Failing to keep proper records or refusing to allow inspection of any such records or the establishment.
- Refusing to allow an authorized MDA representative to take a sample of a pesticide.
- Advertising a restricted use product without giving the use classification of the product.
- Violating a suspension order or a cancellation of a registration or product.
- Sale or distribution of a RUP to an uncertified private applicator or a commercial applicator not certified in the appropriate category.
- Late submission of a RUP sales register to MDA.
- Providing false information to or hindering and impeding MDA or its representatives.

NOTE:

A licensed restricted use pesticide dealer shall provide to each purchaser of restricted use pesticides, in addition to the registered label use instructions for the product, any other information required by the Director relating to the safe use of the product to avoid hazards to humans and the environment. This information may include, but is not limited to, labels provided for Section 18 (emergency) or Section 24-C (special local need) use exemptions.

A copy of the Natural Resources and Environmental Protection, Act 451 and Regulation No. 633, Restricted Use Pesticides can be obtained on-line at www.michigan.gov/mdard. Click on “Licensing, Registration and Certification”, then click on “Pesticides”, and then on “Pesticide Laws and Regulations.” You can also request a written copy of the act and regulation from the MDARD office.

SECTION TWO
LABELS AND LABELING

The "label" is the information printed on the pesticide container. "Labeling" includes labels and all other written, printed or graphic material about the pesticide, such as brochures, fliers and information handed out at the point of sale. The labeling must not bear any false or misleading statements or representations.

Parts of the Label:

By law, certain statements and identifying numbers ***must*** be affixed to the label on every pesticide container. These include:

- **Brand name:** The name of the pesticide as it appears on the front panel of the label and in advertisements for the pesticide.

- **Ingredient statement:** The list of the ingredients in the product. The name and percentage of each active ingredient must be stated as well as the total percentage of all inert ingredients.

- **Net contents:** The amount of pesticide in the container. This may be expressed in gallons, quarts, pints, pounds, or other units of measure.

- **Name and address of manufacturer:** These must be stated on the label so that you will know where to call for information in case of an emergency.

- **EPA registration number:** A unique number that indicates that the pesticide has been registered with the federal government. This number must be on the label and will be comprised of one or two company numbers and a serial number of registration. Most often it will appear on the label as “EPA Reg. No.” Examples would be “EPA Reg. No. 12345-10” or “EPA Reg. No. 12345-123-10”.

- **EPA establishment number:** The number assigned to the facility that produced or repackaged the pesticide. It is comprised of the company number, the two-letter abbreviation for the state where the facility is located and the serial number. An example would be "EPA Est. No. 12345-MI-01".

- **Use classification:** The classification under which the product is labeled. "General Use" pesticides are those that will not harm the environment or the applicator to an unreasonable degree when applied according to directions. “Restricted Use" pesticides are those that could harm the environment or the applicator even when used as directed. Sometimes the label will limit the use of a product to certain categories of commercial applicators. **The restricted use statement must appear on the top of the front panel. Note**: There are some pesticides that are classified as a restricted use pesticide by the State of Michigan, but not by the federal EPA. Therefore, it will not state “Restricted Use Pesticide” on the label. However, it must be treated as a restricted use pesticide if sold in Michigan, including sale only to a certified applicator and reported to MDARD as a sale. An example is the pesticide Diuron 4L, a federal general use pesticide, but classified as a restricted use pesticide in Michigan. You will need to refer to the Michigan list of restricted use pesticides for other examples. The Restricted Use Pesticide list is available on-line at www.michigan.gov/mdard. Type "RUP" in the advanced search box in the top right hand corner of the web page. Select the RUP Product List by clicking on the link. The product list will be updated on the MDARD web site regularly to reflect additional products added through out the year. If someone does not have access to the Internet, they may request a paper copy of the current Restricted Use Pesticide list by contacting MDARD or your local MDARD listed on the map in this manual.

- Signal words: The designation giving the user an indication of the relative toxicity of the pesticide to humans. Signal words are set by law and every manufacturer is required to use the correct one on every label.

Toxicity Category	Signal Word	Relative Toxicity
I	DANGER/POISON	HIGH TOXICITY
II	WARNING	MODERATE TOXICITY
III and IV	CAUTION	LOW TOXICITY

- **Child hazards statement:** All pesticides must bear the statement "Keep Out of Reach of Children".

- **Directions for use:** The section of the label that contains specific instructions for using the pesticide. Information includes target pest, sites for use, mixing rates and directions, storage and disposal procedures and other important information.

- **Hazards to humans or domestic animals:** Precautionary statements are required where a hazard exists to humans or animals. The statements indicate the hazard, means or routes of exposure and the precautions to take to avoid injury or damage.

- **Environmental hazards:** Precautions to use to protect the environment when using the pesticide. It will contain specific precautionary statements if the pesticide poses a specific hazard to the environment.

Bulk Pesticides

It has become an increasingly common practice for manufacturers and distributors of pesticides to transport, transfer or sell pesticides in bulk. A bulk pesticide is defined as a quantity of pesticide greater than 55 gallons of liquid or 100 pounds of dry product held in an individual container.

The sale of bulk pesticides may be preferred for the following reasons: the need to properly dispose of excess numbers of containers is reduced, less warehouse space is needed, labor and handling costs are reduced and inventories can be more accurately controlled.

Bulk Pesticide Storage

Dealers that store pesticides in bulk quantities fall under the regulatory requirements of Regulation 640, Commercial Pesticide Bulk Storage. Regulation 640 set rules for commercial pesticide storage including rules for:

· Registration	· Operational area containment	· Remediation
· Siting of the storage facility	· Containment area management	· Liquid level gauging
· Primary & secondary containment	· Discharge response plans	· Security

For additional details on these requirements, please refer to a copy of Regulation 640 or contact MDARD office. Bulk storage facilities are subject to annual inspection by MDARD.

Bulk Pesticide Repackaging

In order for the dealer to repackage bulk pesticides, certain conditions must be met as set forth in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). These include:

1. The dealer must register each site as a pesticide-producing establishment with the EPA, who will then assign an EPA establishment number to the site.

2. The dealer must obtain written authorization from the manufacturer permitting the dealer to sell and use the label for repackaging the bulk pesticide.

3. The dealer's EPA establishment number, the amount repackaged and a complete end-use label must be placed onto the mobile container, such as a mini-bulk tank or shuttle tank.

4. The manufacturer's EPA establishment number must appear on the label placed onto the dealer's stationary bulk container.

The dealer is required by FIFRA, Section 8 and the Code of Federal Regulation, 40 CFR, Part 169 to maintain records of receipt and sales of bulk pesticides. Records must include the pesticide name, EPA registration number, quantity and date received, the quantity sold, date and the name of customer. These records are to be maintained for two years.

The dealer is required by FIFRA, Section 8 and the Code of Federal Regulation, 40 CFR, Part 169 to maintain records of production (repackaging) of bulk pesticides. Records must include the pesticide name, EPA registration number, batch amount and batch identification. These records are also to be maintained for two years.

7. The dealer must report production of repackaging of bulk pesticides annually to the EPA on a form provided by the EPA.

A dealer may obtain a producer establishment registration application from the EPA at the following address:

US EPA - Region V
PTES (DT-8J)
77 W. Jackson Blvd. (SP-14J)
Chicago, Illinois 60604-3507

Or go to the EPA website at: http://www.epa.gov/pesticides/regulating/pestreport.htm

HANDLING, STORAGE AND DISPOSAL OF PESTICIDES

As a dealer in pesticides, you are in a unique position to help prevent accidents that might injure your customers and employees. You are usually the final contact with the public before they use pesticides.

The best source of information on the safe handling and use of pesticides is the label on the product container. Read the label and labeling and encourage your customers and employees to do the same. Pesticides must meet strict requirements for safety and effectiveness when used as directed.

All pesticides are toxic to some degree and must be handled carefully. Pesticides bearing skull and crossbones symbols are highly toxic and must be handled with the utmost care and safety. Products with a high percentage of active ingredients are called concentrates. Because concentrates present more hazards than diluted materials, large packages of concentrates are generally intended for use by farmers and commercial users who are knowledgeable about pesticides. Such large packages are not typically used by or made available to the average homeowner.

Careless or improper handling, storage, display, disposal or selling of pesticides can result in the accidental poisoning of a customer or employee.

In addition to reading pesticide labels and labeling, observing the guidelines and other information in this manual will help you to handle and sell pesticides safely.

Receiving Shipments

When shipments of pesticides arrive, check the vehicle and all pesticide containers before and after unloading. If a spill or leak is detected, notify the carrier and determine if other articles in the vehicle were contaminated. Make sure that all labels are fully legible and are firmly attached to containers. Vehicles used to transport pesticides should be thoroughly cleaned before reuse.

If spillage or leakage involves a highly toxic pesticide that can be absorbed through breathing or directly through unbroken skin, the area should be cleared and local public health officials notified. If highly toxic chemicals are involved, manufacturers may supply trained decontamination teams.

Handling Pesticides

Do not toss or drop containers. Do not slide them over rough surfaces or protruding nails that might rip bags or puncture rigid containers. If a forklift or other mechanical equipment is used, make sure it does not puncture or tear containers. The use of pallets is advisable.

Do not smoke or put your hands to your face when handling pesticides, even if containers are intact and tightly sealed. Wash your face and hands with soap and water immediately after handling pesticides and before eating, smoking or using the bathroom.

Storing Pesticides

Proper pesticide storage helps prolong chemical shelf life while protecting the health of people, animals and the environment. A number of conditions are essential for safe pesticide storage. A correctly located, designed and maintained storage site is the key to safety. Consult the pesticide product label for specific storage information.

Storage Buildings

It is preferable to have a separate, dedicated building for pesticide storage. When pesticides are stored in a general purpose building, they should be on the ground floor and should not be stored in a building that contains office or other work space unless pesticide storage is well isolated and good ventilation is maintained in the storage area, and vapor barriers are used in the walls and ceiling to prevent fumes from entering the work areas.

If a small amount of pesticide is to be stored, a portable storage unit may be acceptable. Plan for security, ventilation, containment and spill cleanup to ensure safe storage.

Posting
Always post the storage area as a pesticide storage facility. Fire and Hazmat placards are also useful information for emergency responders. Inform police, fire department, and public health officials in writing of the location and layout of the storage, types of materials stored, and hazards involved. Leave home telephone numbers of persons responsible for storage with the fire department in the case of an emergency. Also post "No Smoking" signs.

Segregation of products
Store pesticides in an area away from food, feed, potable water supplies, veterinary supplies, seeds and personal protective equipment. This prevents contamination from fumes, dusts or spills and reduces the likelihood of accidental human or animal exposure.

Fire resistance
The storage building material and design should be selected for fire resistance. Locate a chemical-type fire extinguisher near the door where it is accessible and provide fire warning (i.e., smoke detectors or alarms) as needed. Outside shutoffs for all electrical and water systems are recommended.

Floors and walls
A sealed concrete floor with curbing to contain spills is best. Porous walls and floor materials, including concrete, should be sealed with an epoxy-type coating to prevent absorption and facilitate cleanup. A properly constructed mix/load pad and rinse pad may be needed if your firm is repackaging bulk pesticides or custom applying pesticides.

Floor drains
Because water is needed for mixing, rinsing and cleanup, a waste-handling system is necessary. Floor drains must not be connected to the wastewater sewer or septic tank. Sump drains must direct water to a holding tank until it can be used as a diluent or disposed of properly.

Ventilation
Pesticide storage areas should be ventilated to reduce fumes and dust. Fans to provide three to six air exchanges per hour are usually adequate, with a minimum ventilation rate of 150 cubic feet per minute recommended for any size facility.

Temperature control
Temperature extremes must be avoided to preserve the integrity of the chemicals. The area should be insulated and maintain a minimum temperature of 40 degrees F and a maximum temperature of 100 degrees F. Pesticides should be kept cool, dry and out of direct sunlight. Check pesticide label for specific temperature ranges of each product.

Security
The pesticide storage area must be locked when not in use or not being supervised and posted with pesticide warning signs. A fence around the building with a lockable gate is advised.

Pesticides and their containers
Store pesticides in their original containers with labels attached. Never use soft drink bottles or other types of non-pesticide containers to store pesticides, including pesticide use solutions. Accidental poisonings could result because children as well as most adults associate the shape of a container with its contents. All pesticides must be kept out of the reach of children and pets.

Spills and clean-up
Keep a spill kit stocked with the appropriate supplies in the storage area to control and contain a pesticide spill or leak. Keep plenty of soap and water available in or close to the storage area. A fire extinguisher approved for chemical fires,

first aid equipment, the appropriate personal protective equipment and emergency telephone numbers should all be readily available.

Characteristics of a Proper Pesticide Storage Facility

- Separate facility
- Containment for overall storage areas
- Containment of individual containers
- Located a safe distance from water sources
- Fire-resistant construction materials
- Chemical fire extinguisher near door
- Well ventilated
- Temperature controlled
- Adequately lighted without direct sunlight
- Metal shelving with containment
- Pesticides kept in original containers
- Legible pesticide labels on all containers
- Secured with fence and locked gate
- Posted as pesticides storage area
- Waste handling system in place
- Spill cleanup kit readily available
- Decontamination kit/equipment
- Supply of clean water
- First aid kit
- Emergency plan with emergency contact numbers

Pesticide Accidents

If you spill a pesticide on your skin, wash immediately. If your clothing becomes soaked or contaminated, change at once, take a shower, and launder the clothing separately before wearing it again. Discard shoes and any other article of clothing that cannot be thoroughly decontaminated. You must also follow any label warnings or directions and consult a doctor if indicated.

Whenever a pesticide container is broken or leakage occurs, read the label immediately to determine if the pesticide is dangerous to you, your employees or customers. If the pesticide is highly toxic, the label may have disposal instructions to help you dispose of the pesticide safely. Manufacturers should be contacted for instructions when extremely toxic chemicals are involved, since decontamination may require replacing floorboards and other unusual procedures.

Pesticide Spill Management

As careful as people try to be, pesticide spills can and do occur. Know how to respond correctly when a spill occurs. The faster a spill is contained, absorbed and disposed, the less chance there is that it will cause harm. The following guidelines for pesticide spill cleanup can be remembered as the three C's: **CONTROL** the spill, **CONTAIN** the spill and **CLEAN UP** the spill.

CONTROL the Spill

Put on personal protective equipment (PPE) and, if possible, stop the source of the spill. If a small container is leaking, place it into a larger chemical-resistant container. If a spray tank is overflowing, stop the inflow and try to cap the tank.

Larger spills, such as a sprayer that has tipped over or a tank truck or rail car that spills its cargo, may not be possible to handle alone. Isolate the spill area and keep people and animals well back. Rope off the contaminated area, if necessary. Avoid coming into contact with any drift or fumes that may be released. Stay at the site. Do not leave the spill site until another knowledgeable and correctly protected person arrives. Someone should be at the spill site continuously until the spill is cleaned up.

CONTAIN the Spill

As the source of the spill is being controlled, contain the spill material to as small an area as possible. Prevent the spill from spreading by using absorbent containment "snakes" to surround the spill. For larger spills, use a shovel or other tool to make a dike of soil, sod or other absorbent material around the spill area. Prevent a spill from reaching any water source by blocking or redirecting it.

Liquid spills can be further contained by spreading absorbent materials such as fine sand, vermiculite, clay or kitty litter over the entire spill. These pesticide-containing materials can later be applied to a labeled site according to label rates and directions as a method of disposal. Absorbent pillows can be used to dike spill areas and absorb the chemical spill.

In the case of a spilled dry formulation pesticide, prevent it from becoming airborne by lightly misting the material with water (do not use a hose) or cover it with a sweeping compound or plastic cover until it can be cleaned up.

CLEAN up the Spill

If you haven't already done so, spread absorbent material on spilled liquid pesticides and shovel or sweep it up and place it into a leak-proof container. Keep adding absorbent material until the spilled liquid is soaked up and removed. If the pesticide was spilled on an impervious floor, use a heavy-duty detergent to clean and decontaminate the area. Spills of dry pesticides should be swept up and reused, if possible.

Spill Assistance

The Chemical Transportation Emergency Center (Chemtrec) is a public service of the Chemical Manufacturing Association. Located in Washington, D.C., Chemtrec is staffed 24 hours a day by trained persons who can advise you on how to manage chemical emergencies. The Chemtrec number is **(800) 424-9300**.

When you request help from Chemtrec or any other source, have the product label on hand. Many pesticide labels list an emergency telephone number that gives you direct access to the manufacturer and people who know how to manage emergencies involving that product. For assistance with an agricultural spill, call MDARD Agriculture Pollution Emergency (APE) hotline at 800-405-0101 or the Michigan Department of Environmental Quality (MDEQ) Pollution Emergency Alerting System (PEAS) hotline at 800-292-4706. This contact will put you in touch with personnel that will request information about the spill and a telephone number where you can be reached. Information will be passed on to the MDA or MDEQ personnel and they will respond to your call. They can provide information on immediate containment and cleanup procedures along with contacts for emergency response companies. If necessary, these hotline numbers may be able to alert other first-response personnel.

Spill Follow-up

After a spill has been controlled and contained, you are responsible for reporting the incident to the MDEQ and/or MDARD, no matter what the chemical or the amount spilled, especially if the potential exists for the chemical to reach any source of water. If the chemical and the volume spilled are on the EPA's Extremely Hazardous Substances list, you will need to report it to the Local Emergency Planning Committee (LEPC) and the State Emergency Response Commission (SERC). MSU Extension bulletin E-2575 explains how this process works and has a list of common pesticides and fertilizers with their reportable quantities. For more information, contact the MDEQ Title III office at

(517) 284-7272. Major spills must also be reported to the National Response Center, (800) 424-8802, or the EPA, (913) 236-3778.

In the event of a pesticide spill:

• Protect personal safety first.
• Control/stop the source, if possible.
• Contain the spill.
• Notify local emergency response personnel, if necessary (police, fire, LEPC).
• Call MDARD Agriculture Pollution Emergency (APE) Hotline (800-405-0101) for assistance.
• Call MDEQ PEAS hotline (800-292-4706) about all uncontained spills.
• Call Chemtrec hotline (800-424-9300) for additional assistance.
• Call National Response Center (800-424-8802) if spill is of a reportable quantity.
• Clean up spill or contact private spill response company for assistance.
• Call the MDEQ Waste Management Division (517-373-2730) for further assistance.

Disposing of Pesticides and Containers

One of the most common causes of pesticide accidents is the carelessly handled "empty" container. No pesticide container is ever completely empty. Active pesticide ingredient clings to the inner surfaces of all containers. However, containers that are triple-rinsed immediately after emptying can result in near-zero residues. "Empties", therefore, should never be reused for any purpose. All empty or broken pesticide containers should be kept in locked storage until time for disposal. If the labels are lost or obliterated, "empties" should be marked to clearly indicate previous contents. This will warn anyone who might later find and want to reuse them.

The best way to dispose of small, empty pesticide containers is to wrap them in several layers of newspapers and put them in the trash can. If trash collection service is not available, dispose of containers at a sanitary landfill.

The Michigan Department of Environmental Quality regulates pesticide disposal and container disposal in Michigan.

Do not burn paper bags, cardboard, plastic or metal pesticide containers. Pesticide vapors and particles generated by burning containers may endanger people, animals, livestock and plants. State or local ordinances may prohibit burning pesticides and their containers.

There is no easy way to dispose of unwanted pesticides. Ask your pesticide distributor to take the unsaleable chemicals left from breakage or leaky containers. They may arrange for disposal with factory wastes. You should determine if there is a sanitary landfill or another establishment that is equipped for disposal of hazardous waste. A private hazardous waste hauler may have to be contracted to dispose of unwanted pesticides. Dispose of unlabeled materials and other unwanted or unusable pesticides in the manner approved by Michigan Department of Environmental Quality. MDARD Environmental Stewardship Division has information regarding its “Clean Sweep” program for the proper disposal of unwanted pesticides on its website at www.michigan.gov/mdard. Click on Food and Agribusiness, click on Environment, and then click on Clean Sweep. **Under no circumstances should pesticides be poured down a drain or sewer or onto the ground!**

SECTION FOUR
RESTRICTED USE PESTICIDE SALES REGISTER

I. **Law**

The Natural Resources and Environmental Protection Act, Act 451, Public Acts of 1994, Part 83, Section 8310(3) and (4), states:

> "(3) A restricted use pesticide dealer shall forward to the director a record of all sales of restricted use pesticides on forms provided by the director as required by rule. Restricted use pesticide dealers shall keep copies of the records on file for 2 years. These records are subject to inspection by an authorized agent of the director. The records shall, upon request, be supplied in summary form to other state agencies. The summary shall include the name and address of the restricted use pesticide dealer, the name and address of the purchaser, the name of the pesticide sold, and, in an emergency, the quantity sold. Information may not be made available to the public if, in the discretion of the director, release of that information could have a significant adverse effect on the competitive position of the dealer, distributor, or manufacturer.
> (4) A restricted use pesticide dealer shall sell or distribute restricted use pesticides for use only by applicators certified under this part."

In addition, Regulation 633, Restricted Use Pesticides, Rule 7 states:

> "Rule 7. A licensed dealer shall keep a record, on forms supplied by the director, of each sale of restricted use pesticides. Such record shall be transmitted to the director monthly, and shall be due in the office of the director not later than the fifteenth day of the month following the month of sale."

What this means is that the licensed restricted use pesticide dealer must keep a record of each sale of restricted use pesticides and must report all such sales to MDARD. In addition, a restricted use pesticide must be sold or distributed only by a licensed restricted use pesticide dealer for use by applicators certified under this act. Sales and distribution of RUP products must be to an applicator that is currently certified and has proof of that certification.

Paper version of the RUP Sales Register (PI-057)

- Prepare the monthly sales register in duplicate, retaining a copy for your records for 2 years. A monthly report is required whether or not sales were made in the reporting month. IF NO SALES WERE MADE IN A REPORTING MONTH, WRITE "NO SALES MADE THIS MONTH" and sign the sales register OR you may designate "no sales" months in advance on your annual license application. Please note, if sales do occur in a month previously identified on the license application as "No sales" it will be then necessary to submit a sales register for that month not later than the fifteenth day of the month following the month of sale.

B. Mail the original sales register for each month so that MDARD receives it no later than the fifteenth day of the month following the month of sale.

C. Details for completing the sales register form:

1. Enter the name and address of your firm and your dealer I.D. number as it appears on your license. Note: The RUP license number and the RUP Dealer ID Number are one in the same number.

2. Enter the month and year of the reporting period.

3. For each RUP product sold, enter only the EPA registration number as it appears on the label. It must be the entire two or three part number as it exactly appears on the label of the pesticide.

4. Record the quantity sold in the appropriate unit of measure for the specific pesticide (gallons, ounces, pounds, tablets, etc.)

5. Enter the use code as listed on the sales register based on the applicator's statement of what crop or site the pesticide will be used, such as field crop (1A), fruit crop (1B) or others as listed on the back of the sales register.

6. Record the sales invoice number.

- Record the applicator's certification number as it appears on his or her certification card.
- Record the name of the applicator, in the format of last name, then first name.
- For sales to private applicators only, enter the county code, as listed on the back of sales register, for the county in which the pesticide will be used.
- Record the date of sale or if a pre-paid sale, the date of distribution or delivery.

Electronic sales report filing

MDARD also offers the option of electronic sales filing of the sales registers. Electronic filing is easier, reduces redundancy and tends to be more accurate. Here's how it works:

- The electronic workbook is formatted with your firm's RUP Dealer ID Number. The workbooks are individualized for each location and contain both an instruction and use/county code sheet for reference purposes.
- Electronic filing is done via email attachment each month. The workbook contains a worksheet for each month. Once the worksheet for a given month has been completed, the firm emails the entire workbook back to the department as an attachment. Upon receipt, the workbook is saved over the previous month's submission and email confirmation is sent back to the submitter for the firm's records.
- At the end of the year all the monthly sales submissions have been compiled into one workbook for each firm.
- The "person in charge" signature is not required on the monthly electronic sales submissions, but we do require that a signed copy of the sales register be kept on file and available for the MDARD Inspector.

II. Dealer Information

As a dealer of restricted use pesticides, it is your responsibility to be aware of the following issues and requirements arising from the sale of restricted use pesticides:

A. It is imperative that you ask to see the certified applicator's card each time you sell a restricted use pesticide to the applicator. Check to see if the card is current and that it is not expired. **IT IS ILLEGAL TO SELL RESTRICTED USE PESTICIDES** to those applicators who have an expired certification card. There are no "grace periods". You may keep a photocopy of the applicator's certification card
with the expiration date on file or request from MDARD via the Freedom of Information Act (FOIA) a list of applicators, making the request as specific as possible.

B. Make sure when a commercial certified applicator purchases a restricted use pesticide that the applicator is certified in the category that the applicator intends to use the pesticide as intended. For example, an applicator who is certified in only in category 3A (Turfgrass) may not be sold a restricted use pesticide for field crop (Category 1A) use.

C. Fumigants may be sold or distributed only to those applicators who have the appropriate fumigation standard on their certification card. The fumigation standard will appear as "FUM" on the certification card. In addition, those applicators who have an aerial standard may apply pesticides by air. The aerial standard will appear as "AE" on their certification card.

D. Sales registers are checked when received by the Michigan Department of Agriculture & Rural Development for accuracy of reporting. Any discrepancies, such as sales to non-certified applicators, incorrect certification numbers, incorrect usage codes or other errors, are subject to enforcement action by MDA. **Accuracy in reporting is a MUST!**

E. Sales or transfers to other licensed restricted use pesticide dealers, whether they are in-state or out-of-state, do not need to be recorded on the sales register. Customer return information should also not appear on the sales register. Remember that only sales to the ultimate end user need to be recorded on the register. However, a record, such as a transfer slip, should be kept in the files to indicate dealer-to-dealer sales or returns to the distributor or manufacturer to aid in accurate reporting and auditing of sales.

- If your firm also custom applies pesticides as a licensed pesticide application business, you must record the amount of restricted use pesticide applied on the dealer's sales register under the name and certification number of your firm's certified applicator that made the pesticide application. You should also make sure that your firm's commercial applicators are certified in the categories in which the pesticides are applied. For example, an applicator who is certified only in category 1A (Field Crops) may not make an application of a pesticide for turfgrass (Category 3A) use.

- When the date of delivery is different from the date of "sale" (i.e.invoice date), the correct date for purposes of reporting is the date of delivery or distribution to the customer. For example, an invoice generated in December for a RUP product delivered on April 10 of the next year must be reported on the April sales register, not the December register. In addition, you must be certain that the applicator who purchased the RUP is correctly and currently certified in April, regardless of their status in December when the applicator was invoiced or paid for the RUP product. Check the certification card at the time of both the sale and delivery of the RUP.

- Be sure to enter the use code as listed on the back of the sales register based on the applicator's statement of the crop or site the pesticide will be used.

  I. Make sure when making sales of RUP to **private applicators,** enter the county code, as listed on the sales register, for the county in which the pesticide will be used.

- Restricted Use Pesticide Audit

  As a dealer of restricted use pesticides, your firm will be subject to periodic audits of restricted use pesticides sales and distribution activities by the Michigan Department of Agriculture & Rural Development (MDARD). The purpose of the RUP dealer audit is to determine if all sales of RUP products have been reported to MDARD, those RUP products were made available only to certified applicators and that you are keeping the required RUP records and supporting documents.

  An audit involves the MDARD inspector establishing accurate starting and ending inventories, inspecting RUP distribution records and comparing RUP sales registers with sales invoices. The audit typically includes the

period in which most of the dealer's RUP sales occurred. The MDARD has the authority under Act 451 to check sales records, shipping records, invoices and other pesticide records. The MDARD inspector may perform the audit in two steps. The first inspection is to list and physically inventory all restricted use pesticides on hand at the dealer's site. At the second inspection, which generally occurs at a later date, a second physical inventory is done. Then your sales registers, sales invoices, transfer receipts, and other records are checked. If discrepancies are found, a more detailed audit of the records is made to determine the source of the discrepancies.

Some common errors MDARD finds in audits include:

the failure to list all restricted use pesticide sales on the dealer's sales registers,
incorrect certification numbers,
incorrect EPA registration numbers listed
failure to keep thorough receiving records
inadequate record keeping for inter-branch transfers and customer returns.

Be advised that if discrepancies are found during an audit, you will be asked to explain and document the discrepancies. You will need to check your records for an explanation. You may be asked to provide an amended sales register to MDARD to correct errors found during an audit.

Enforcement action will be taken by MDARD against your firm if violations are found in the audit. The type of action may be in the form of an advisory or warning letter, an informal hearing, an administrative fine of up to $1,000 for each offense of Act 451 or a rule promulgated by the act or prosecution in a court of law. If found guilty in court of a misdemeanor, your firm can be fined up to $5,000 for each offense. Some of the violations include:

- Sale of a RUP to an uncertified applicator, including those applicators with expired certification credentials.

- Failure to report to MDARD all RUP sales for a given month on a sales register.

I. Failure to submit to MDARD a monthly sales register on time or not at all.

Sale of a RUP reported on a sales register with an incorrect EPA registration number listed.

Sale of a RUP reported on a sales register with an incorrect certification number.

Sale of a RUP in a partial, unsealed container.

Sale of a RUP to a commercial certified applicator that the applicator is not certified in the category that the pesticide's usage is intended. For example, an applicator who is certified in only in category 3A (Turfgrass) may not be sold a restricted use pesticide for field crop (Category 1A) use.

Front of PI-057- RUP Sales Register

PI-057 (Rev. 07/05)

MICHIGAN DEPARTMENT OF AGRICULTURE – PESTICIDE & PLANT PEST MANAGEMENT DIVISION
PO BOX 30017 • LANSING, MICHIGAN 48909 • (517) 373-0946

RESTRICTED USE PESTICIDE SALES REGISTER

(In Accordance With Act 451, Public Acts 1994)

PLEASE SEE REVERSE SIDE FOR INSTRUCTIONS AND APPROPRIATE CODES

DEALER ID NUMBER | NAME OF FIRM | ADDRESS OF FIRM | CITY | STATE | ZIP CODE | MONTH | YEAR | TELEPHONE NUMBER ( )

EPA REGISTRATION NUMBER	QUANTITY PURCHASED AMOUNT	QUANTITY PURCHASED U.O.M.	USE CODE	INVOICE NUMBER	APPLICATOR'S CERTIFICATION NUMBER	NAME OF APPLICATOR (Last, First)	COUNTY CODE	DAY SOLD

DATE SUBMITTED | SIGNATURE OF PERSON IN CHARGE

RESTRICTED USE PESTICIDE SALES REGISTER INSTRUCTIONS

(1) Prepare the sales register in duplicate. Retain the duplicate copy for your records for 2 years.
(2) Enter your ID number as it appears on your license.
(3) Enter the name and address of firm.
(4) Enter the month, year and telephone number.

For each transaction provide the following information in the designated column.
(1) The EPA pesticide registration number as read from the pesticide container.
(2) The quantity sold in the unit of measure listed on the label (ounces, pounds, gallons, etc).
(3) The use codes, as listed below, based on the applicator's statement of how the pesticide will be used.
(4) The sales invoice number.
(5) The applicator's certification number.
(6) Last and first name as it appears on the applicator's certification credential.
(7) For sales to private applicator only – report the county of USE of the pesticide from the list below based on the applicator's statement. For Out of State Sales use the designated abbreviation for state.
(8) The day of sales (month and year are located in the boxes in the upper right corner). Record the date of delivery when different from date of sale. Do not record on register any customer returns or transactions with non-end users. These transactions must be maintained separately.

Sales register must be signed and dated by person in charge (who has passed the RUP Dealer Exam) and MAILED TO:

MICHIGAN DEPARTMENT OF AGRICULTURE
PESTICIDE AND PLANT PEST MANAGEMENT DIVISION
PO BOX 30017 • LANSING MI 48909

NOTE: THIS REGISTER IS DUE NO LATER THAN THE FIFTEENTH DAY OF THE MONTH FOLLOWING THE MONTH OF SALES.

USE CODES

1A	Field Crops Pest Mgmt	3B	Ornamental Plants & Shade Tree Pest Mgmt	6	Right-Of-Way Pest Mgmt	7G	Small Animal Pest Mgmt
1B	Vegetable Crops Pest Mgmt	4	Seed Treatment	7A	General Pest Mgmt	8	Public Health Pest Mgmt
1C	Fruit Crops Pest Mgmt	5	Aquatic Pest Mgmt	7B	Wood Destroying Organisms Pest Mgmt	9	Regulatory Pest Mgmt
1D	Livestock Pest Mgmt	5A	Swimming Pools	7D	Vertebrate Pest Mgmt	10	Demonstration & Research Pest Mgmt
2	Forest Pest Mgmt	5B	Microbial Pest Mgmt	7E	Interior Plant Pest Mgmt	FUM	Fumigation
2A	Forest Products Preservation	5C	Sewer Line Pest Mgmt	7F	Mosquito Mgmt	AE	Aerial
3A	Turfgrass Pest Mgmt						

COUNTY AND STATE CODES

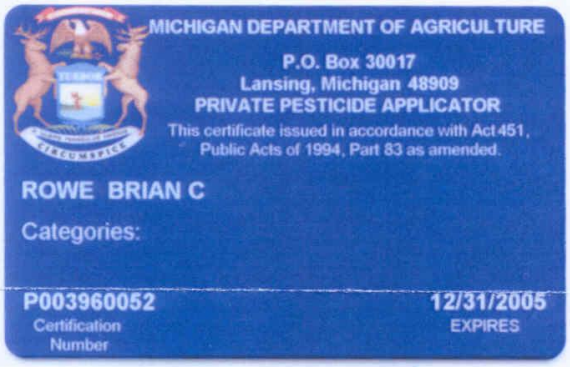
01 Alcona	12 Branch	23 Eaton	35 Iosco	46 Lenawee	57 Missaukee	69 Otsego	81 Washtenaw
02 Alger	13 Calhoun	24 Emmet	36 Iron	47 Livingston	58 Monroe	70 Ottawa	82 Wayne
03 Allegan	14 Cass	25 Genesee	37 Isabella	48 Luce	59 Montcalm	71 Presque Isle	83 Wexford
04 Alpena	15 Charlevoix	26 Gladwin	38 Jackson	49 Mackinac	60 Montmorency	72 Roscommon	91 Indiana
05 Antrim	16 Cheboygan	27 Gogebic	39 Kalamazoo	50 Macomb	61 Muskegon	73 Saginaw	92 Ohio
06 Arenac	17 Chippewa	28 Grand Traverse	40 Kalkaska	51 Manistee	62 Newaygo	74 St. Clair	93 Wisconsin
07 Baraga	18 Clare	29 Gratiot	41 Kent	52 Marquette	63 Oakland	75 St. Joseph	99 Others
08 Barry	19 Clinton	30 Hillsdale	42 Keweenaw	53 Mason	64 Oceana	76 Sanilac	
09 Bay	20 Crawford	31 Houghton	43 Lake	54 Mecosta	65 Ogemaw	77 Schoolcraft	
10 Benzie	21 Delta	32 Huron	44 Lapeer	55 Menominee	66 Ontonagon	78 Shiawassee	
11 Berrien	22 Dickinson	33 Ingham	45 Leelanau	56 Midland	67 Osceola	79 Tuscola	
		34 Ionia			68 Oscoda	80 Van Buren	

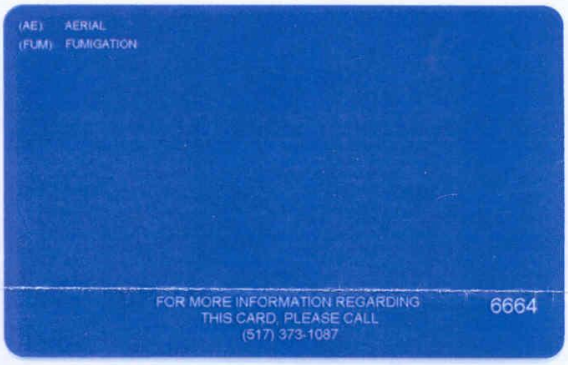
New Michigan pesticide applicator credentials as of August 2004.

New cards will replace old-style cards over the next three years.

PRIVATE

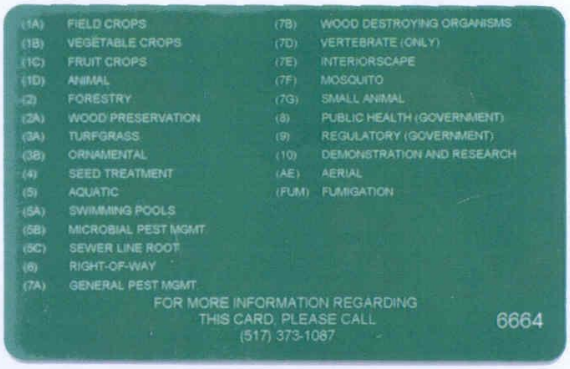
BLUE





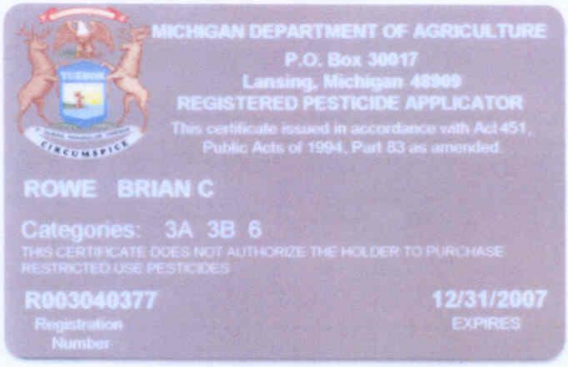
COMMERCIAL

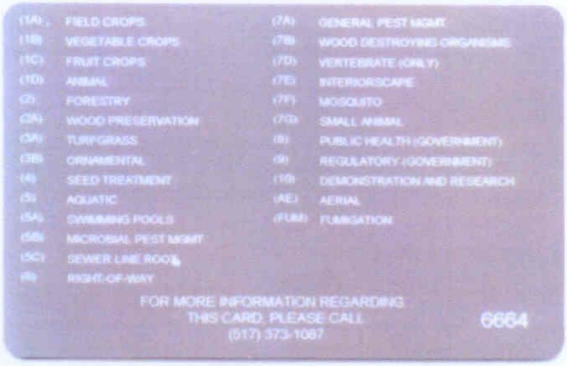
GREEN



REGISTERED APPLICATORS

(This certificate does not authorize the holder to purchase restricted-use pesticides.)



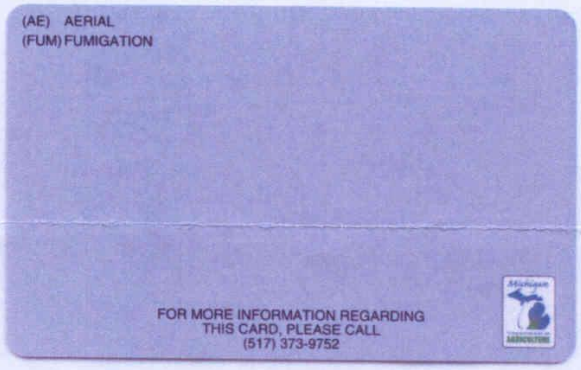


Printed by the Michigan State University Pesticide Safety Education Program
East Lansing, MI
in Cooperation with the Michigan Department of Agriculture

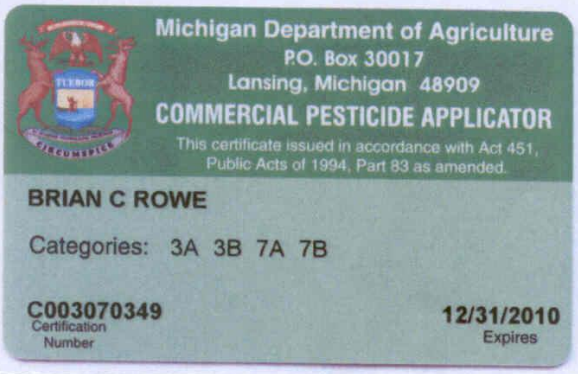
Michigan Department of Agriculture
New 2007 Certification & Registration Credentials
Effective October 1, 2007

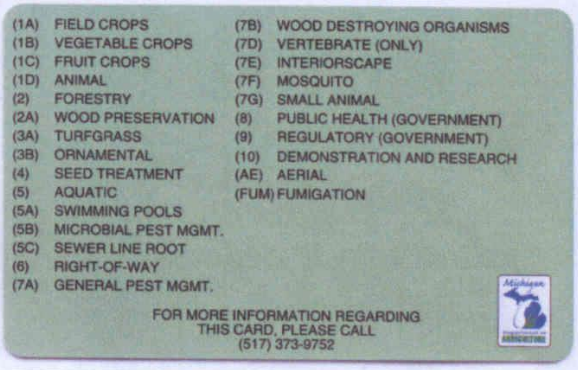
Private Applicator Certification (Purple)

Michigan Department of Agriculture
P.O. Box 30017
Lansing, Michigan 48909
PRIVATE PESTICIDE APPLICATOR
This certificate issued in accordance with Act 451, Public Acts of 1994, Part 83 as amended.
BRIAN C ROWE
Categories:
P003960052 Certification Number
12/31/2008 Expires

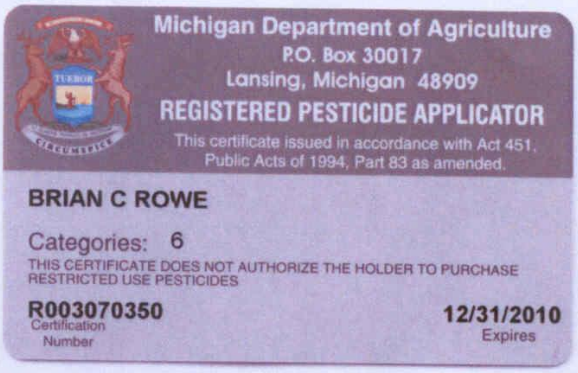

(AE) AERIAL
(FUM) FUMIGATION
FOR MORE INFORMATION REGARDING THIS CARD, PLEASE CALL (517) 373-9752

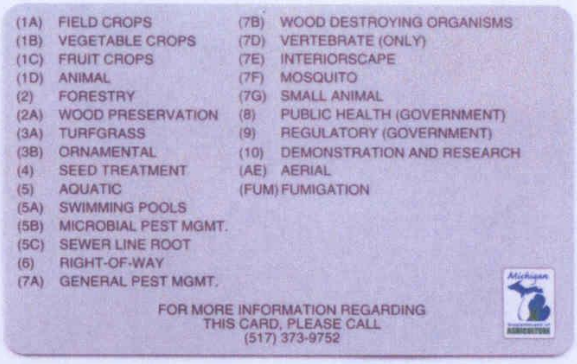
Commercial Applicator Certification (Green)


Michigan Department of Agriculture
P.O. Box 30017
Lansing, Michigan 48909
COMMERCIAL PESTICIDE APPLICATOR
This certificate issued in accordance with Act 451, Public Acts of 1994, Part 83 as amended.
BRIAN C ROWE
Categories: 3A 3B 7A 7B
C003070349 Certification Number
12/31/2010 Expires


(1A) FIELD CROPS
(1B) VEGETABLE CROPS
(1C) FRUIT CROPS
(1D) ANIMAL
(2) FORESTRY
(2A) WOOD PRESERVATION
(3A) TURFGRASS
(3B) ORNAMENTAL
(4) SEED TREATMENT
(5) AQUATIC
(5A) SWIMMING POOLS
(5B) MICROBIAL PEST MGMT.
(5C) SEWER LINE ROOT
(6) RIGHT-OF-WAY
(7A) GENERAL PEST MGMT.
(7B) WOOD DESTROYING ORGANISMS
(7D) VERTEBRATE (ONLY)
(7E) INTERIORSCAPE
(7F) MOSQUITO
(7G) SMALL ANIMAL
(8) PUBLIC HEALTH (GOVERNMENT)
(9) REGULATORY (GOVERNMENT)
(10) DEMONSTRATION AND RESEARCH
(AE) AERIAL
(FUM) FUMIGATION
FOR MORE INFORMATION REGARDING THIS CARD, PLEASE CALL (517) 373-9752

Registered Pesticide Applicator (Grey)
(Not authorized to purchase Restricted Use Pesticides)


Michigan Department of Agriculture
P.O. Box 30017
Lansing, Michigan 48909
REGISTERED PESTICIDE APPLICATOR
This certificate issued in accordance with Act 451, Public Acts of 1994, Part 83 as amended.
BRIAN C ROWE
Categories: 6
THIS CERTIFICATE DOES NOT AUTHORIZE THE HOLDER TO PURCHASE RESTRICTED USE PESTICIDES
R003070350 Certification Number
12/31/2010 Expires


(1A) FIELD CROPS
(1B) VEGETABLE CROPS
(1C) FRUIT CROPS
(1D) ANIMAL
(2) FORESTRY
(2A) WOOD PRESERVATION
(3A) TURFGRASS
(3B) ORNAMENTAL
(4) SEED TREATMENT
(5) AQUATIC
(5A) SWIMMING POOLS
(5B) MICROBIAL PEST MGMT.
(5C) SEWER LINE ROOT
(6) RIGHT-OF-WAY
(7A) GENERAL PEST MGMT.
(7B) WOOD DESTROYING ORGANISMS
(7D) VERTEBRATE (ONLY)
(7E) INTERIORSCAPE
(7F) MOSQUITO
(7G) SMALL ANIMAL
(8) PUBLIC HEALTH (GOVERNMENT)
(9) REGULATORY (GOVERNMENT)
(10) DEMONSTRATION AND RESEARCH
(AE) AERIAL
(FUM) FUMIGATION
FOR MORE INFORMATION REGARDING THIS CARD, PLEASE CALL (517) 373-9752

POISON CONTROL CENTERS

The following are the poison control centers listed for the State of Michigan. It is also a good idea to keep the telephone number and location of your nearest emergency hospital in your possession:

Eastern Half of Michigan
(800) 222-1222
Children's Hospital of Michigan Regional Poison Control Center
4160 John R. Harper Professional Office Building
Suite 616
Detroit, MI 48201
Administrative phone: (313) 745-5335
Website: www.mitoxic.org

Western Half of Michigan
(800) 222-1222
De Vos Children's Hospital Regional Poison Control Center
1300 Michigan, N.E.
Suite 203
Grand Rapids, MI 49503
Administrative phone: (616) 391-9099
Website: www.spectrum-health.org